

## Natural Environment Referral Response - Biodiversity

Application Number:	REV2021/0035
Date:	24/09/2021
Responsible Officer	Julie Edwards
Land to be developed (Address):	Lot 82 DP 10782 , 114 Whale Beach Road WHALE BEACH NSW 2107

### Reasons for referral

This application seeks consent development on land, or within 40m of land, containing:

- All Development Applications on
- Actual or potential threatened species, populations, ecological communities, or their habitats;
- Wildlife corridors;
- Vegetation query stipulating that a Flora and Fauna Assessment is required;
- Vegetation query - X type located in both A & C Wards;

And as such, Council's Natural Environment Unit officers are required to consider the likely potential environmental impacts.

### Officer comments

The review application relates to the refused development application under DA2020/1186 for demolition of the existing stone retaining wall and the construction of two new concrete block retaining walls to create a tiered garden; and widen a section of the shared driveway.

The applicant has responded adequately to the comments in the original Biodiversity comments for DA2020/1186, and has subsequently reduced impacts to biodiversity as part of the review request.

The proposed development now requires only the removal of Tree 1 (*Angophora floribunda*). The loss of this native, prescribed tree will be mitigated through replacement planting of one (1) *Angophora floribunda* within the site which has been identified within the amended Landscape plan and ensures compliance with PDCP Clause B4.7, "development shall result in no net loss in native canopy trees". The Landscape Plan (Space Landscape Designs, August 2021) has also been amended to ensure compliance with PDCP Clause B4.7, and species selected for landscaping are largely representative of the Pittwater Spotted Gum Forest EEC species assemblage.

Based on the comments above, the Biodiversity referrals team raise no objections due to the reduced biodiversity impacts and subsequent compliance with relevant biodiversity planning controls.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

### Recommended Natural Environment Conditions:

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### No Clearing of Vegetation

Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of Construction Certificate.

Reason: To protect native vegetation.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### Dead or Injured Wildlife

If construction activity associated with this development results in injury or death of a native mammal, bird, reptile or amphibian, a registered wildlife rescue and rehabilitation organisation must be contacted for advice.

Reason: To protect native wildlife.

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

### Protection of Habitat Features

All natural landscape features, including any rock outcrops, native vegetation and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Details demonstrating compliance are to be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To protect wildlife habitat.

### Certification of Landscape Plan

Landscaping is to be implemented in accordance with the approved Landscape Plans (Space Landscape Designs, August 2021) and these conditions of consent.

Details demonstrating compliance are to be prepared by the landscape architect and provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirement to retain and protect significant planting on the site.

### Replacement of Canopy Trees

At least one (1) locally native canopy trees are to be planted on site to replace protected trees approved for removal. Species are to have a minimum mature height of 8.5m and be consistent with the approved landscape plan (Space Landscape Design, August 2021).

Tree plantings are to be retained for the life of the development and/or for their safe natural life. Trees that die or are removed must be replaced with another locally native canopy tree.

Replacement plantings are to be certified as being completed in accordance with these conditions of

consent by a qualified landscape architect, and details submitted to the Principal Certifying Authority prior to issue of any Occupation Certificate.

Reason: To establish appropriate native landscaping.

## **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

### **Protection of Habitat Features**

All natural landscape features, including any rock outcrops, native vegetation, soil and/or watercourses, are to remain undisturbed except where affected by necessary works detailed on approved plans.

Reason: To protect wildlife habitat.

### **Replacement of Canopy Trees**

Tree replacement plantings required under this consent are to be retained for the life of the development and/or for their safe natural life.

Trees that die or are removed must be replaced with another locally native canopy tree.

Reason: To replace locally native trees.